

BEFORE THE BOARD OF DESIGN REVIEW
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST FOR)	
)	ORDER NO. 1771
DESIGN REVIEW THREE APPROVAL)	
)	DR 2004-0064
FOR THE CONSTRUCTION OF A SINGLE)	
)	ORDER APPROVING
STORY BUILDING APPROXIMATELY)	
)	REQUEST WITH
11,500 SQUARE FEET IN SIZE WITH)	
)	CONDITIONS
ASSOCIATED LANDSCAPING, PARKING)	
)	
AND LIGHTING (CRYSTAL SPA). JOHN)	
)	
FINKLEA, APPLICANT.)	

The matter came before the Board of Design Review on January 13, 2005, on a request for Design Review Three approval for the construction of a single-story building approximately 11,500 square feet in size with associated landscaping, parking and lighting. The development site is generally located on 8635 SW Beaverton Hillsdale Highway, and is more specifically identified as Tax Lot's 300 & 400 of the Washington County's Assessor's Map 1S1-14AD. The development site is zoned Community Service (CS) and is approximately 1.89 acres in size.

Pursuant to Ordinance 2050, Section 50.45, the Board of Design Review conducted a public hearing and considered testimony and exhibits on the subject proposal.

After holding the public hearing and considering all oral and written testimony, the Board of Design Review adopts the Staff Report dated January 6, 2005, as findings in response to the applicable approval criteria contained in Section 40.03 and 40.20.15.3.C of the Development Code. The Board of Design Review also adopts the following supplemental findings in support of the final action, in response to an issue of concern, as identified herein.

1. Landscape Plan: The Board of Design Review addressed the matter of the proposed landscape plan with the applicant and indicated concern that aspects of the proposed landscaping would not meet its intended purpose effectively. The Board had concern about the appropriateness of specific plant species in regard to this proposed placement. The Board requested the applicant modify the plan to substitute the proposed Shore Pines at the driveway entry with Korean Dogwoods and that the applicant use compact dwarf Japanese Maples at the front entry. The Board also requested that the applicant incorporate a hardscape surface to provide access to the proposed benches at the front of the property. The Board also indicated that there were areas of the plan where vegetation was sparse, consisting primarily of groundcover. The Board requested that the applicant revise the plan to incorporate a larger number of trees and shrubs within the proposed

groundcover areas and under canopy trees, particularly along the street frontage, within the landscape island in the rear parking lot, and in front of the existing building. The Board suggested the applicant use evergreen plant material such as Mugo Pine, Pieris, Japanese Holly, Azaleas, and Rhododendrons in the sparsely planted areas.

The Board recommended the applicant revise the landscape plan along the northern property line to include more vertical elements between the building and fence line. The Board suggested the applicant use Gingko and Knob Cone Pine trees, in addition to clustering the proposed Arborvitae, which should be shown with a dimension of 3.5 feet in diameter.

The Board indicated concern with the heartiness of the proposed Star Jasmine in this climate and requested the applicant substitute the plants for a climbing vine that would not die back during extreme temperatures. The Board suggested the applicant substitute the plants with Evergreen Clematis. The Board of Design Review adopts new condition of approval # 21 to require the applicant to revise the landscape plan according to the Board's findings during the hearing of January 13, 2005.

2. Trash Enclosure: The Board indicated concern that the proposed wooden trash enclosure would not be durable in a commercial setting where the dumpsters would be accessed regularly. The Board find that the applicant should revise the proposal to provide a trash enclosure constructed of a masonry unit with a façade treatment to relate to the design of the

primary structure. The Board of Design Review adopts new condition of approval # 61.

IT IS HEREBY ORDERED that DR 2004-0064 is **APPROVED**, based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings, and conclusions found in the Staff Report dated January 6, 2005, subject to the following conditions:

A. Prior to issuance of the site development permit, the applicant shall:

1. Contract with a professional engineer (or professional architect if allowed by the City Engineer) to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development/JJD)
2. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development/JJD)
3. Have the ownership of the subject property guarantee all public improvements, storm water management (quality and quantity) facilities, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development/JJD)

4. Provide proof of lot consolidation for all the parcels into one fee-simple, deeded lot. Otherwise, any area within the development proposal that remains under separate ownership or potential separate ownership without a land division approval by the City, shall have each lot independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development/JJD)
5. Submit any required easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development/JJD)
6. Have obtained the City Building Official's approval of the private plumbing plan for facilities regulated under the Uniform Plumbing Code with Oregon Amendments. (Site Development/JJD)
7. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation (ODOT) for work within, storm drainage connections, and/or construction access to Beaverton-Hillsdale Highway. (Site Development/JJD)
8. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development/JJD)
9. Submit a copy of issued permits or other approvals needed from the West Slope Water District for public water system construction and service extensions. (Site Development/JJD)
10. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections. (Site Development/JJD)
11. Submit a detailed water supply analysis (Fire Flow) to the City Building Official in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. (For

more information, see

http://www.tvfr.com/Dept/fm/brochures/fire_flow_and_hydrant_requirements.pdf) If needed, this analysis shall include an actual flow test and analysis by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development/JJD)

12. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development/JJD)
13. Provide plans showing a Stormwater Management stormfilter vault (for treatment of the site's piped surface water runoff) or stormfilter catch basins with a minimum equivalent of 3.0 cartridges per impervious acre for the site and designed per manufacturer's specifications. Additionally, provide plans for full winter detention per City Standard or per ODOT direction whichever is greater for this site. (Site Development/JJD)
14. Provide plans for the placement of underground utilities within the site, and for services to the proposed new development. (Site Development/JJD)
15. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development/JJD)
16. Dedicate street right of way on the north side of SW B/H Highway to Beaverton 5-Lane Arterial Street Standards for a total of 48 feet from centerline for the frontage of the site. (Transportation/DRG)
17. Show proof that ODOT has approved the revised easterly access to Beaverton Hillsdale Highway and that conditions of that approval have been shown on the site plan, including the access easement to the adjoining property to the east, the location of the future access connection, and removal and/or relocation of

improvements including but not limited to the benches, garbage can, and required landscaping within 25 feet of the back of the sidewalk. Show proof of access easement agreement with on the property to the west (Miller Paint) to assure access to this development site through the Miller Paint driveway.
(Transportation/DRG)

18. Provide proof of recordation of shared access and parking easement over the new spa building property and existing building property to cover access and parking areas establishing that users of both properties have access to the parking and access points and drive aisles. The access easements shall run in perpetuity with the land or for the duration of time that the two properties rely on shared parking and access.
(Transportation/DRG)
19. Provide proof of recordation of a perpetual access easement with the property to the west (currently Miller Paint).
(Transportation/DRG)
20. Provide to the City Transportation Engineer certification by a registered professional engineer that adequate sight distance is being provided at new and existing driveways. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. (Development Code 60.55.50.1 and Engineering Design Manual 210.5). In some locations, maintenance of the required sight distance may require restrictions to potential development outside the public right of way. If so, the Project Engineer shall demonstrate that adequate restrictions are in place (and enforceable by the City) to assure that the required sight distance can be maintained in the future. This could include removal of existing or proposed on street or off street parking spaces. No modifications or exceptions to these standards shall be allowed unless approved by the City Engineer or designee. (Transportation/DRG)
21. Revise the landscape plan in coordination with City Development Services Division staff to address the matters raised by the Board of Design Review during the public hearing of January 13, 2006. The applicant shall address the landscape changes identified in Land Use Order #1771, as described by the Board. (Development Services/LJ)

B. Prior to building permit issuance, the applicant shall:

22. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development/JJD)
23. Submit to the City a certified impervious surface determination of the project site prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the existing and proposed conditions for each tax lot. (Site Development/JJD)
24. Pay a storm water system development charge (overall system conveyance) for the net, new impervious surface created. (Site Development/JJD)
25. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development/JJD)
26. Ensure that the proposed project shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: (1) The 2003 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon; (2) 2003 International Mechanical Code as published by the International Code Council and amended by the State of Oregon; (3) the 1997 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon; (4) the 2000 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and (5) the 2003 International Fire Code as published by the International Code Council and amended by Tualatin Valley Fire and Rescue. (Building/BR)
27. Ensure that applications for plan review must include the information outlined in the Tri-County Commercial Application Checklist. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at www.ci.beaverton.or.us. Incomplete applications will not be accepted. (City policy) (Building/BR)

28. Ensure that the City offers phased permits, for foundation/slabs, structural frame, shell and interior build-out (TI). An applicant desiring to phase any portion of the project must complete the Tri-County Commercial Phased Project Matrix or each phased portion. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at www.ci.beaverton.or.us. Note: Except private site utilities (potable water, sanitary and storm sewer lines), Excavation and Shoring, Site Utilities and Grading are not permits issued by the Building Division and therefore are not part of the City's phased permit process. (Building/BR)
29. Ensure that plan submittals may be deferred as outlined in the Tri-County Deferred Submittals list. Each deferred submittal shall be identified on the building plans. This list is available at the Building Division counter or may be printed from the Forms/Fee Center at www.ci.beaverton.or.us. Permit applicants are responsible for ensuring that deferred plan review items listed on the plans are submitted for approval well in advance of the need to begin work on that portion of the project (anticipate a minimum of three weeks plan review turnaround time for tenant improvement and six weeks plan review turnaround for new construction projects). No work on any of the deferred items shall begin prior to the plans being submitted, reviewed and approved. (Building/BR)
30. Ensure that unless they are identified as a deferred submittal on the plans, building permits will not be issued until all related plans and permits have been reviewed, approved, and issued (i.e., mechanical, plumbing, electrical, fire sprinkler systems, fire alarm systems, etc. (City policy) (Building/BR)
31. Ensure that projects involving new buildings and additions are subject to System Development fees. A list of the applicable fees is available at the Building Division counter or may be printed from the Forms/Fee Center at www.ci.beaverton.or.us. (Building/BR)
32. Ensure that the building code plans review can run concurrent with the Board of Design Review (BDR) and site development review. (Building/BR)
33. Ensure that a separate plumbing permit is required for installation of private on-site utilities (i.e., sanitary sewer, storm sewer, water service, catch basins, etc. If the applicant desires

to install those types of private utilities during the same period as the “Site Development” work, a separate application and three sets of the private utility plans must be submitted to the Building Services Division for review and approval. (Building/BR)

34. Ensure that the proposed building shall be accessible to persons with disabilities. (Chapter 11, SSC) (Building/BR)
35. Ensure that an accessible route shall be provided to persons with disabilities throughout the site. (Section 1106, SSC) (Building/BR)
36. Ensure that an accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1103, SSC) (Building/BR)
37. Demonstrate to the satisfaction of the Planning Director that the applicant is a member of the Westside Transportation Alliance, the Transportation Management Association approved by the City for this area, to satisfy the requirement to receive the proposed parking reduction. (Transportation/DRG)
38. Provide 14 (2 required and 12 for vehicle space reduction) secured long term spaces, lighted and covered, and 2 short term bike spaces based on the on the 11,500 sq ft of therapeutic spa building and the existing building uses. (Transportation/DRG)
39. Ensure that Design Review approval has not expired. In accordance with Section 50.90.1 of the Development Code, Design Review approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Development Services/LJ)

C. Prior to occupancy of any building permit, the applicant shall:

40. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional. (Site Development/JJD)
41. Have placed underground all existing overhead utilities and any new utility service lines within the project and any affected

utility lines along the existing street frontage, except high voltage lines (>57kV). (Site Development/JJD)

42. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development/JJD)
43. Have the landscaping completely installed, vegetative cover established, or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development/JJD)
44. Install "No Parking" signage that contains the hours of loading activities to be placed in front of the parking spaces behind the loading zone adjacent to the spa building. The signs should be labeled with the specific hours loading activities will occur. (Development Services/LJ)
45. Install directional signage at all one-way driveway access points and drive aisles. (Transportation/DG)
46. Ensure all site improvements, including grading and landscaping is completed in accordance with plans marked "Exhibit A". (On file at City Hall). (Development Services/LJ)
47. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Development Services/LJ)
48. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall). (Development Services/LJ)
49. Ensure all landscaping and fencing approved by the decision making authority for commercial, industrial, and non-residential mixed use development is installed unless a performance security, equal to 110 percent of the cost of the landscaping not so installed, is filed with the City assuring such installation within six months of occupancy. All performance securities submitted shall itemize the cost of materials and labor. (Development Services/LJ)

50. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Development Services/LJ)
51. Ensure that the planting of approved street trees and vegetation or the pruning thereof, within the public right-of-way or public easements, has occurred in accordance with the City Tree Planting & Maintenance Policy (Resolution 3391). The provisions for acceptance of a performance security, meeting the requirement for landscaping, shall also apply to the planting of street trees approved through the Design Review process. (Development Services/LJ)
52. Ensure coniferous trees, having been balled and burlapped or grown within suitable containers for one year, are planted. Each tree shall be a minimum of 6 feet in height, except that dwarf and compact varieties may be approved at any size. All trees shall be fully branched and adequately staked at the time of planting. (Development Services/LJ)
53. Ensure ground cover plantings are installed at a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, or a 2-1/4 inch container if planted 18 inches on-center. (Development Services/LJ)
54. Ensure deciduous or evergreen shrubs are installed at a minimum, using one-gallon containers or 8 inch burlap balls with a minimum spread of 12 inches to 15 inches. (Development Services/LJ)
55. Ensure landscaped areas approved to be planted in lawn have sod installed between November 1 and March 1, and between June 1 and September 1 of the year. Grass seed is approved as an option at other times of the year. Sod may be placed at any time of year. This condition is not applicable to special seed mixes approved for use in natural resource areas, steep slopes,

or in areas for the primary purpose of erosion control.
(Development Services/LJ)

56. Ensure off-street parking, loading and driveway areas are screened from streets and surrounding properties within landscape areas, containing at a minimum, evergreen and/or deciduous plant material with a minimum height of 30 inches. Where landscaped berms, walls, raised planters or similar features of at least 30 inches in height have been approved to screen streets and surrounding properties, the plant materials are not required. (Development Services/LJ)
57. Ensure landscaping within off-street parking lots is installed by the standard of one landscaped planter island or area, per approximately every 12 parking spaces provided. The size of such islands or areas shall be a minimum of 8 feet in width by the depth of an abutting parking stall. The area of landscaped screening on the perimeter of parking lots shall not be used toward meeting the area requirement of parking lot islands. (Development Services/LJ)
58. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Development Services/LJ)
59. Ensure all rooftop mechanical equipment, vents, and similar features are screened from public view, as viewed from streets and sidewalks, or placed within the building or otherwise made an integral part of the structure. Materials and colors of rooftop screening shall consist of at least one material and color used on building elevations. (Development Services/LJ)
60. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Development Services/LJ)
61. Install a trash enclosure consistent with the detailed drawings submitted January 24, 2005 that is constructed of masonry

walls with a metal gate. The masonry walls and gate shall be painted to be consistent to the adjacent building. (Development Services/LJ)

D. Prior to release of performance security, the applicant shall:

62. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development/JJD)
63. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by Stormwater Management, Inc., for the StormFilter vault's cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with Stormwater Management, Inc., for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacture's recommendations for a two year period from the date of performance acceptance of each respective system. (Site Development/JJD)

CARRIED by the following roll call vote:

AYES:	Soth, Shipley, Collins, Straus, and Doukas.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Beighley and Weathers.

Dated this _____ day of _____, 2005.

To appeal the decision of the Board of Design Review, as articulated in Land Use Order No. 1771, appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2005.

BOARD OF DESIGN REVIEW
FOR BEAVERTON, OREGON:

ATTEST:

APPROVED:

LIZ JONES
Associate Planner

MIMI DOUKAS
Chair

STEVEN A. SPARKS, AICP
Development Services Manager